

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

* **DOCKET NO. 2:09-CR-011**

v.

* **SECTION: “C”**

VENANCIO CHAVEZ- ENAMORADO

*

a/k/a Danny Ochoa

a/k/a Antonio Chavez-Enamorado

*

a/k/a Venansio Chavez-Enamorado

a/k/a Venansio Chavez-Enmorado

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a/k/a Venansio Chavez

a/k/a Benansio Chavez

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a/k/a Venancio Chavez Enamorado

a/k/a Dennis Ochoa

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a/k/a Denio Ochon

a/k/a Denis Ochoa

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FACTUAL BASIS

_____Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **VENANCIO CHAVEZ-ENAMORADO** (hereinafter “**CHAVEZ-ENAMORADO**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a deported alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (the “agent”) would testify that on November 21, 2008, he encountered the defendant, **CHAVEZ-ENAMORADO**, during criminal alien program duties at the Jefferson Parish Correctional Center, located in Jefferson Parish in the Eastern District of Louisiana. Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana in the Jefferson Parish Correctional Center, the defendant was detained and arrested by an Immigration and Customs Enforcement agent

The agent would testify that, upon questioning the defendant under oath after being read his *Miranda* rights, the defendant stated that he was a citizen of Honduras and was illegally in the United States. The agent confirmed the defendant’s illegal status through the Immigration and Customs Enforcement database.

Documentation from the records of Immigration and Customs Enforcement, including Warrants of Removal/Deportation, complete with the defendant’s fingerprints, photographs and signature, would demonstrate that the defendant, **CHAVEZ-ENAMORADO**, was removed from the United States to Honduras on two prior occasions. On or about February 1, 2000, **CHAVEZ-ENAMORADO** was removed from the United States at or near Houston, Texas to Honduras, and again on or about October 30, 2003, **CHAVEZ-ENAMORADO** was removed from the United States at or near Houston, Texas to Honduras. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual in the Immigration and Customs Enforcement Alien file with the Warrants of Removal/Deportation and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant, **CHAVEZ-ENAMORADO**, did not receive consent from the United States Attorney General or his designated

successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further, documents, court records, and other admissible evidence would show that on or about January 16, 1996, in the Superior Court of Los Angeles County, California, the defendant, **CHAVEZ-ENAMORADO**, was convicted of possession for sale of cocaine base, an aggravated felony.

ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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VENANCIO CHAVEZ-ENAMORADO Defendant	Date
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SAMUEL SCILLITANI Assistant Federal Public Defender LA Bar Roll No. 21371 Attorney for the Defendant	Date
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